

REMARKS

Claims 1, 2, 5, 6, 14, 21, 22, 25, 26, and 32 have been canceled, and claims 23, 29, and 31 have been amended without prejudice to Applicant's right to pursue their subject matter in this application and in related applications. Claims 23, 24, 27-31, and 33 are pending and under examination. No new matter has been added.

Telephonic Interview

Applicant would like to thank Examiner Counts for his helpful comments during an interview with Aram Adourian and the undersigned on August 2, 2010. Applicant agrees that the Interview Summary accurately reflects the substance of the interview.

Claim Rejections – 35 USC § 112, 1st paragraph

The Office has rejected claims 1, 2, 5, 6, 14, and 21-33 under 35 USC § 112, 1st paragraph, alleging that the claims are not enabled by the specification. Specifically, the Office states that while the specification is “enabling for a method for identifying a subject at risk of developing heart failure and a method for identifying a subject at risk of developing congestive heart failure,” the specification “does not reasonably provide enablement for identifying a subject at risk of developing any and all hypertensive end organ damage or complications of hypertensive end organ damage or complications of heart failure or complications of congestive heart failure.” (Office action, page 2.)

Applicant thanks the Office for recognizing that the specification is “enabling for a method for identifying a subject at risk of developing heart failure and a method for identifying a subject at risk of developing congestive heart failure...” (*Id.*) Although Applicant disagrees with the rejection, Applicant submits that the rejection is moot in view of the amendment submitted herewith. Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claim Rejections – 35 USC § 112, 2nd paragraph

The Office has rejected claims 1, 2, 5, 6, 14, and 21-33 under 35 USC § 112, 2nd paragraph, alleging that these claims are indefinite. Specifically, the Office appears to indicate that the phrases “complications of hypertensive end organ damage,” “complications of congestive heart failure,” and “complications of heart failure,” in claims 1, 21, 23, 25, 29, and 31 are indefinite. (Office action, pages 5-6.) The Office action also rejects claims 26 and 32 for being indefinite, stating, “[I]t is unclear how a standard level based on healthy subjects is indicative of risk.” (Office action, page 6.)

Although Applicant disagrees with the rejections, Applicant submits that they are moot in view of the amendment submitted herewith. Applicant respectfully requests that the rejection under 35 USC § 112, 2nd paragraph be reconsidered and withdrawn.

CONCLUSION

Applicant respectfully requests that this amendment under 37 C.F.R. 1.116 be entered by the Examiner. Applicant submits that the proposed amendment places the application in condition for allowance and does not raise new issues or require any additional search, since the amendment merely cancels subject matter objected to by the Examiner.

In view of the above amendment, applicant believes the pending application is in condition for allowance. The Examiner is invited to contact the undersigned to discuss any remaining issues in the application.

Dated: September 9, 2010

Respectfully submitted,

/Brian A. Fairchild/
Brian A. Fairchild
Registration No.: 48,645
GOODWIN PROCTER LLP
Exchange Place
Boston, Massachusetts 02109
(617) 570-1963
Attorney for Applicant